REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-6, 8-12, 14-18, 20-23, and 25 were pending in the application, of which Claims 1, 14, 20, and 25 are independent. In the Office Action dated March 2, 2010, Claims 1-6, 8-12, 14-18, 20-23, and 25 were rejected under 35 U.S.C. § 103(a). Claim 8 is withdrawn herein without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

I.   Inconsistencies with the Office Action

The Office Action is clearly marked as "Non-Final". (See Office Action Summary, Section 2b). However, the Examiner refers to the Action as a "final" action on page 3. The Office Action contains no other indication that it is a Final Action, such as the required language of the MPEP in regards to response times for final Office Actions. As such, the Applicants are treating this as a non-final Office Action.

II.   Failure to Properly Examine Claim 25

As discussed in further detail below in Section III, the Examiner has repeatedly failed to address a large number of elements in Independent Claim 25. Applicant has brought this to the Examiner's attention in multiple responses and at least one telephonic discussion and has yet to receive anything approaching a rejection addressing all limitations of Claim 25 as required for a valid rejection. (*See,*

Amendment After Final, Mar. 11, 2009, p. 15-16; Amendment, September 30, 2008, p. 15-17; Response, Nov. 19, 2009). These repeated unsupported rejections have unfairly prejudiced the Applicants as they have required unnecessary waste of time and expense for the Applicant. Please provide proper examination of Claim 25 or withdraw the unsupported rejection.

III.   Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 1-12, 14-18, 20-23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,100,115 ("*Yennaco*") in view of U.S. Patent No. 6,832,371 ("*Hussey*").

Independent Claim 1

Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "generating, upon receipt of the signal indicating a successful boot of a software application without user input, a database query for featured content items, the featured content items having information focused on a specific topic, wherein the query comprises an identifier related to a particular topic, and wherein the featured content items forming the data set have at least one database attribute that is associated with the identifier, wherein each featured content item is associated with a plurality of database attributes including a priority status field".

In contrast, *Yennaco* at least does not teach or suggest the aforementioned recitation from Claim 1. *Yennaco* appears to disclose an object-based method for

providing content-sensitive help data. (Yennaco, 8:59-67). *Yennaco* may employ a cache memory 152 and a registry 170 for data storage. (Yennaco, 7:30-55) In *Yennaco*, each component 140 may have a corresponding context-sensitive help data identifier 156. (Id.) The help data identifier 156 may be used to access corresponding help data 49. (Id.) The cache 152 may store help data 49 currently displayed as well as a registry 170 of help data identifiers 156 corresponding to components 140 considered to be related to one another. (Id.)

In *Yennaco*, the related help data 49 may be preloaded into the cache 152. (Yennaco, 7:50-53). A cache manager 66 may receive the cache 152 from a computer application 64. (Yennaco, 8:11-19). *Yennaco* discloses that the first time the cache 152 is referred to during registry initialization, the cache manager 66 may create the registry 170 within the cache 152 memory. (Yennaco, 8:20-28). The cache manager 66 may store the help data identifier 156 in the registry 170. (Id.) The cache manager 66 may receive a request for a context-sensitive help data 49 and receives the help data identifier 156 from an event handler. (Id.) In *Yennaco*, the request for context-sensitive data may be triggered by a referral by the user to one of the components. (Yennaco, 7:66 – 8:10). Yennaco further appears to disclose that referencing a component is achieved through user actions, such as moving a cursor over that component. (Yennaco, 1:44-51).

As admitted in the Office Action *Yennaco* fails to disclose "generating a signal indicating a successful boot of a software application;" "generating, upon receipt of the signal indicating a successful boot of a software application without user input, a

database query for featured content items, invoked during the boot process." (Office Action, p. 7).

The Office Action further cites to col. 8 lines 58-67 of *Yennaco* as teaching the element of "wherein the query comprises an identifier related to a particular topic, and wherein the featured content items forming the data set have at least one database attribute that is associated with the identifier". (Office Action, p. 10). However, this section of *Yennaco* merely discusses determining whether or not additional help data identifiers remain in a registry and selecting the next one for storage if they are. (*Yennaco*, 8:58-67).

Hussey fails to remedy the deficiencies of *Yennaco*. For example, *Hussey* merely appears to disclose a registry organized into subtrees and their keys. (*Hussey*, 1:10-20). The keys may contain information required to run an application, such as paths to specific files. (Id.) When an application program module is booted, the status of a registration cache may be determined. (*Hussey*, 8:5-10). The registration cache serves as a "trigger" to determine whether or not to update the registry. (Id.)

Accordingly, *Yennaco* and/or *Hussey* at least do not disclose "generating, upon receipt of the signal indicating a successful boot of a software application without user input, a database query for featured content items, the featured content items having information focused on a specific topic, wherein the query comprises an identifier related to a particular topic, and wherein the featured content items forming the data set have at least one database attribute that is associated with the identifier, wherein each featured content item is associated with a plurality of database attributes including a

priority status field" as recited by amended Claim 1. Applicants respectfully request withdrawal of this rejection of Claim 1.

Dependent Claims 2-7 and 9-12 are also allowable at least for the reasons described above regarding independent Claim 1 and by virtue of their respective dependencies upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-7 and 9-12.

<u>Independent Claim 14</u>

Claim 14 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "determining if the number of received featured content items is greater than a predetermined number of featured content items; if the number of received featured content items is greater than the predetermined number of featured content items, formatting said hypertext document to include at least one featured content item for display, the hypertext document being formatted to display the data of the featured content item with the contents of the hypertext document; and if the number of received featured content items is not greater than the predetermined number of featured content items, formatting said hypertext document without including the featured content items."

In contrast, *Yennaco* at least does not teach or suggest the aforementioned recitation from Claim 14. The Office Action alleges that the above emphasized limitations are disclosed in *Yennaco* at col. 10, lines 50-67. (Office Action, p. 10). The cited portion of *Yennaco* recites:

> Referring to FIG. 2, help data 49 may contain references
> and hyperlinks to other documents or information, such as a

hypertext link 50, as is well known in the art. Help data displayed by selecting the hypertext link 50 in the help data 49 of FIG. 2 may contain additional hyperlinks to other related help data. To promote faster presentation to a user, the hyperlinked accessed help data should be managed by the cache manager 66 and preloaded into a cache 152. Of course, selecting one of the additional hyperlinks may display further embedded help data related hyperlinks which also have help data which should be preloaded into a cache, and so on. While the help data cache or caches are managed by the cache manager, a hyperlink manager tracks the use of hyperlinks to permit forward and backward navigation of the hyperlinks. The cache manager 66 may be employed by the hyperlink manager to optimize retrieval of such hyperlink help data 49 by preloading the help data for a hyperlink before the hyperlink is selected, as described above. (*Yennaco*, 10:50-67).

The help data in *Yennaco* includes hyperlinks to additional information which may be displayed upon selection of a presented hyperlink. The displayed additional information may contain a second set of available hyperlinks. This additional information may be stored in a cache. *Yennaco* also appears to allow navigation back and forward between presented hyperlinks.

However, nowhere does *Yennaco* discuss determining if the number of received featured data items or hyperlinks is greater than a predetermined number of featured content items. *Yennaco* simply displays a top-layer of received data items and allows a user to navigate to more specific help topics by following the presented hyperlinks. The system in *Yennaco* would allow any indeterminate number of help data items to be displayed and nowhere checks to see if this number is greater than a predetermined threshold. Accordingly, *Yennaco* simply cannot determine whether to present or not present certain help data based on such a determination.

Applicant notes that the Office Action rejects Independent claim 14 under 35 U.S.C. § 103(a) over *Yennaco* and *Hussey*. However, the Office Action provides no

indication as to how *Barth* may be relevant to this claim. If the Examiner wishes to maintain this 103 rejection, Applicant respectfully requests that the Examiner provide some indication as to why *Barth* is relevant to this claim.

Accordingly, *Yennaco* and/or *Hussey* at least does not disclose "determining if the number of received featured content items is greater than a predetermined number of featured content items; if the number of received featured content items is greater than the predetermined number of featured content items, formatting said hypertext document to include at least one featured content item for display, the hypertext document being formatted to display the data of the featured content item with the contents of the hypertext document; and if the number of received featured content items is not greater than the predetermined number of featured content items, formatting said hypertext document without including the featured content items" as recited by Claim 14. Applicants respectfully request withdrawal of this rejection of Claim 14.

Dependent Claims 15-18 are also allowable at least for the reasons described above regarding independent Claim 14 and by virtue of their respective dependencies upon independent Claim 14. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 15-18.

Independent Claim 20

Claim 20 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "determining, without user input, if the featured content item is highly rated by a user." The Office Action alleges that this limitation is taught by col.

7, lines 45-55 of *Yennaco*. (Office Action, p. 11-12). The cited portion of *Yennaco* states:

> ...is first rendered, the help data corresponding to the other identifiers of the registry is loaded into the cache 152 from memory that has an access time that is greater than that of the cache 152, such as from remote memory 36. Thus related help data 49 can be preloaded into the cache 152, that is, loaded without the user having referred to the component 140 to which the help data pertains. (*Yennaco*, 7:45-55).

As shown by the portion relied upon in the Office Action, *Yennaco* nowhere discloses even considering a user rating for help content, much less, determining a rating without user input.

Hussey fails to remedy the deficiencies of *Yennaco*. For example, *Hussey* merely appears to disclose a registry organized into subtrees and their keys. (*Hussey*, 1:10-20). The keys may contain information required to run an application, such as paths to specific files. (Id.) When an application program module is booted, the status of a registration cache may be determined. (*Hussey*, 8:5-10). The registration cache serves as a "trigger" to determine whether or not to update the registry. (Id.)

Accordingly, *Yennaco* and/or *Hussey* at least do not disclose "determining, without user input, if the featured content item is highly rated by a user" as recited by Claim 20. Applicants respectfully request withdrawal of this rejection of Claim 20.

Dependent Claims 21-23 are also allowable at least for the reasons described above regarding independent Claim 20 and by virtue of their respective dependencies upon independent Claim 20. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 21-23.

Independent Claim 25

Applicants respectfully submit that the Examiner's rejection is improper as the Examiner failed to address a large number of elements in Independent Claim 25. Applicant has brought this to the Examiner's attention in multiple responses and at least one telephonic discussion and has yet to receive anything approaching a rejection addressing all limitations of Claim 25 as required for a valid rejection. (*See*, Amendment After Final, Mar. 11, 2009, p. 15-16; Amendment, September 30, 2008, p. 15-17; Response, Nov. 19, 2009). These repeated unsupported rejections are unfairly prejudicing the Applicants as they have required unnecessary waste of time and expense for the Applicant.

For example, the Examiner addresses the preamble and the first and last elements of Claim 25. However, the Examiner fails to address the other **eleven** elements of Claim 25, including: "if no featured content items are stored in the system registry, selecting a predetermined number of default items from a list of default items stored in memory and displaying the data of the default items on a graphical user interface;

if a featured content item is stored in the system registry, retrieving the featured content item from the system registry and displaying the featured content item on the graphical user interface;

determining if the client computer is connected to a computer network;

if the client computer is connected to a computer network, generating, without user input, a database query for featured content items, the featured content items having information focused on a specific topic;

receiving featured content items in response to the database query;

storing the featured content items in a local memory;

selecting a predetermined number of featured content items from the featured content items stored in the system registry;

storing the selected featured content items in the system registry;

in response to receiving a command from a software application to display at least one featured content item, without user input, retrieving featured content items stored in the system registry and displaying the featured content items on the graphical user interface;

if the client computer is not connected to a computer network, registering a callback request with a network status application program interface to be notified when the network status application program interface determines that the client computer is connected to the computer network;

determining if there are any up-to-date featured content items stored in the local memory;

if an up-to-date featured content item is stored in the local memory, storing the up-to-date featured content item in the system registry".

Furthermore, Applicant notes that the Office Action rejects Independent claim 25 under 35 U.S.C. § 103(a) over *Yennaco* and *Hussey*. However, the Office Action provides no indication as to how *Hussey* may be relevant to this claim. If the Examiner wishes to maintain this as a 103 rejection, Applicant respectfully requests that the Examiner provide some indication as to why *Hussey* is relevant to this claim.

Independent Claim 25 is being improperly subject to a rejection that comes nowhere close to attempting to meet the legal requirements of showing that the prior art teaches each and every element of the claim. Accordingly, Applicants respectfully request withdrawal of this rejection.

III.   Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5066

Date: June 2, 2010

/Christopher J. Leonard/_____
Christopher J. Leonard
Reg. No. 41,940

MIK:sem